



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BPU3508

RL  
10-1-97

#18

In re-patent application of:

Thomas Zdeblick et al.

Serial No. 08/411,017

Filed March 27, 1995

INTERBODY FUSION DEVICE AND  
METHOD FOR RESTORATION OF  
NORMAL SPINAL ANATOMY

) Before the Examiner

) D. Isabella

) Group Art Unit 3308

) August 22, 1997

I hereby certify that this correspondence is  
being deposited with the United States Pos-  
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Michael J. Beck  
Name of Registered RepresentativeMichael J. Beck  
Signature  
August 22, 1997  
Date of SignatureRESPONSE TO SECOND OFFICE ACTION

Hon. Assistant Secretary and  
Commissioner of Patents and Trademarks  
Washington, D. C. 20231

Sir:

In response to the Office Action dated June 6, 1997, Applicant hereby submits the following. Additionally, please provide any extensions of time and charge any fees due to Deposit Account No. 23-3030, but not to include payment of issue fees.

**REMARKS**

Following the withdrawal of a prior Final Action, a new Office Action was issued in which claims 1-11 were rejected as anticipated by the patent to Kohrs et al., No. 5,609,636. Claims 12-14 were deemed to be allowed.

In support of the anticipation rejection of the remaining claims, it was suggested that the embodiment of FIGS. 17-23 of the Kohrs patent included all of the elements in the rejected claims.

Serial No. 08/411,017  
Filed 3/27/95  
Zdeblick, et al.  
Our Ref: 95:03:PA (4002-209)  
Response to Second OA